

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**FILED**  
*March 9, 2006*  
STATE OF NEW JERSEY  
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS  
ALCOHOL AND DRUG COUNSELOR COMMITTEE

Attorney for the Alcohol and Drug  
Counselor Committee of the New Jersey  
State Board of Marriage and Family  
Therapy Examiners

By: Nancy Costello Miller  
Deputy Attorney General  
Tel. (973) 648-4735

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
ALCOHOL AND DRUG COUNSELOR COMMITTEE  
OF THE STATE BOARD OF MARRIAGE AND  
FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE  
APPLICATION FOR CERTIFICATION  
OF

**SYLVESTER LIVINGSTON**

TO PRACTICE DRUG  
AND ALCOHOL COUNSELING IN THE  
STATE OF NEW JERSEY

: Administrative Action

:  
: CONSENT ORDER GRANTING  
: CERTIFICATION TO PRACTICE  
: ALCOHOL AND DRUG COUNSELING  
: WITH RESTRICTIONS

This matter was opened before the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Therapy Examiners ("Committee"), upon review of the application of Sylvester Livingston for certification as an alcohol and drug counselor. As part of that application, Mr. Livingston disclosed that he had a criminal history but did not provide information related to the convictions. The Committee requested and received that information as well as information regarding Mr. Livingston's

employment. The Committee scheduled Mr. Livingston for an appearance on January 19, 2005.

Mr. Livingston appeared pro se on January 19, 2005 before the Committee and discussed his criminal history and employment history. Mr. Livingston testified about his resignation from his recent position and the details of the incidents leading to his 1981 conviction for official misconduct and extortion and other matters.

Following that appearance, the Committee, on August 8, 2005, issued a Provisional Order of Denial of Certification. In that Provisional Order, the Committee preliminarily found that Mr. Livingston had failed to demonstrate sufficient rehabilitation or remorse following his conviction and that the conduct which lead to his resignation from his recent employment, i.e., inappropriate and threatening remarks to clients, constituted professional misconduct. Mr. Livingston, through counsel, Kathleen Smallwood Johnson, Esq., asserted that his application should be treated as a renewal application as he had previously been certified by the Certification Board of New Jersey, Inc. The State replied that Mr. Livingston's application was indeed an initial application as that certification board was a private entity and distinct from the current licensing authority of the Committee. The Committee agrees that Mr. Livingston's application is for initial certification. Because the parties have now agreed to resolve this matter through the entry of this consent order, upon its entry, the Provisional Order of Denial of Certification will be rescinded.

The Committee, having reviewed the record created, including Mr. Livingston's application and testimony, and having assessed his demeanor and ability to practice, finds that the following

disposition of this matter is adequately protective of the public health, safety, and welfare,

IT IS THEREFORE ON THIS 9th DAY OF March, 2006

ORDERED:

1. Sylvester Livingston shall be granted certification to practice alcohol and drug counseling conditioned upon compliance with the terms of this Consent Order.

2. Mr. Livingston may only engage in the practice of alcohol and drug counseling at a facility licensed by the Department of Human Services, Division of Addiction Services ("DAS"), or other Committee approved site and shall work under the direct supervision of a Committee approved supervisor who agrees to supervise Mr. Livingston in accord with the terms of this Consent Order. Mr. Livingston shall not engage in the private practice of alcohol and drug counseling.

3. Mr. Livingston shall provide a copy of this Consent Order to his supervisor, who has agreed to supervise him consistent with this order. The supervisor shall agree to comply with and sign a copy of this Consent Order. The signed Consent Order shall be returned to the Committee within ten (10) days of the commencement of Mr. Livingston's employment.

4. The supervisor agrees to:

(a) report to the Committee within 72 hours any indication that Mr. Livingston is not capable of continued practice or has violated the statutes or regulations governing the practice of alcohol and drug counseling or has been disciplined or terminated from his employment. Such notice shall be provided to Elaine DeMars, Executive Director, Alcohol and Drug Counselor Committee, or her designee, 124 Halsey Street, Newark, New Jersey 07102, (973) 504-6582;

(b) provide periodic reports to the Committee regarding Mr.

Livingston's performance. The supervisor shall report monthly for the first three months and then quarterly for two years.

5. In the event there is a need to change supervisors, Mr. Livingston must submit the proposed supervisor's name and credentials for Committee approval. If the proposed supervisor is approved, Mr. Livingston must provide his new supervisor with a copy of Consent Order, and the new supervisor shall agree to comply with and sign a copy of the Consent Order which shall be submitted to the Committee within ten (10) days of the change of supervisors.

6. Mr. Livingston shall be precluded from engaging in practice of alcohol and drug counseling at any location other than the approved location until further order of the Committee.


7. Should Mr. Livingston resign, be terminated or be suspended from his approved employment, he is prohibited from engaging in the practice of alcohol and drug counseling until the Committee approves his new employment or until the committee receives confirmation that he has been reinstated at the approved location.

8. Mr. Livingston shall successfully complete the following continuing education before August 1, 2006 which continuing education shall be pre-approved by the Committee: eighteen (18) hours in course work that focuses on personal and professional growth.

9. This order shall remain in effect until further written order of the Committee. Violation of any of the terms of this order shall result in a hearing on short notice to suspend the certification granted by this order.

10. The Provisional Order of Denial of Certification entered on August 8, 2005 is rescinded.

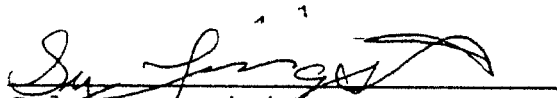
ALCOHOL AND DRUG COUNSELOR COMMITTEE  
OF THE NEW JERSEY STATE BOARD OF  
MARRIAGE AND FAMILY THERAPY EXAMINERS

  
Edward Reading, LCADC  
Committee Chair

NEW JERSEY  
STATE BOARD OF  
MARRIAGE AND  
FAMILY THERAPY  
EXAMINERS

2005 APR 26 P 10 43

I have read the above order and I understand and agree to abide by its terms. I consent to the entry of this order.

  
Sylvester Livingston

1/18/06 <sup>Q</sup>  
Date

I have read this Consent Order. I agree to the supervision and reporting requirements in this order.

MARY BETH McDONALD MA, LPC/LCPC

MB McDonald, MA, LPC/LCPC

(Print name)

Supervisor

Telephone #

(including area code and extension number)

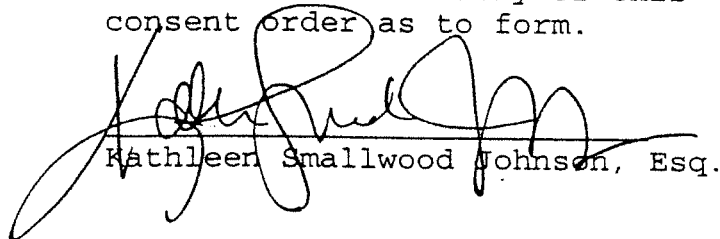
License #

Dated: 4-22, 2006-2010

37PC00168500

37LC00108700

I consent to the entry of this consent order as to form.

  
Kathleen Smallwood Johnson, Esq.

1/18/06  
Date